

The Honorable Karen A. Overstreet  
Chapter 13  
Ex Parte

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE:

Gurcharan Singh and Parminder Kaur,

Debtor(s).

Gurcharan Singh and Parminder Kaur,

Plaintiffs,

v.

Wells Fargo Bank,

Defendant.

Case No. 09-10136-KAO

Adversary Case No. 09-01222-KAO

AGREED ORDER ON DEBTORS'  
COMPLAINT TO STRIP OFF JUNIOR  
LIEN OF WELLS FARGO BANK

This matter having come Ex Parte before the undersigned Judge by way of the Debtors' Complaint to Strip Off the Junior Lien of Wells Fargo Bank under 11 U.S.C. §§ 506(a) and (d) and 1322(b)(2) and Federal Rule of Bankruptcy Procedure 3012, *Zimmer v. PSB Lending Corp.* (*In re Zimmer*), 313 F.3d 1220 (9th Cir. 2002) and other applicable case law, based upon evidence which demonstrates that: a) the junior lien against the Debtors' residence which appears to be serviced by Wells Fargo Bank, N.A. ("Wells Fargo"), according to the Proof of Claim filed in this case, is wholly unsecured based on the value of the residence and the amount

1 owing on the first position lien; and b) that Wells Fargo junior lien should only be allowed as a  
2 general unsecured claim provided for under the Debtors' Chapter 13 plan.

3 After consideration of the Debtor's Complaint, and there being an agreement between the  
4 Plaintiffs and Defendant, and the stripping of the junior lien being in the best interests of the  
5 estate, and for cause shown, it is hereby,

6 ORDERED that the Court hereby grants Debtors' Complaint to Strip Off the Junior Lien  
7 of Wells Fargo Bank, N.A. under 11 U.S.C. §§ 506(a) and (d) and 1322(b)(2) and Federal Rule  
8 of Bankruptcy Procedure 3012, *Zimmer v. PSB Lending Corp. (In re Zimmer)*, 313 F.3d 1220  
9 (9th Cir. 2002) and other applicable case law.  
10


11 IT IS FURTHER ORDERED that the junior lien listed under Statutory Warranty Deed  
12 #20040917002187 filed for record in King County on September 17, 2004 regarding real  
13 property located at 10509 SE 273rd Pl., Kent, WA 98030, King County Excise Tax Number  
14 2070737; legal description: Autumn Glen in King County, Washington is unsecured.  
15

16 IT IS FURTHER ORDERED that this order shall become permanent and binding on all  
17 parties only upon completion of the debtors' Chapter 13 plan and entry of final discharge of the  
18 debtors pursuant to 11 U.S.C. §1328.

19 IT IS FURTHER ORDERED that in the event the debtors' bankruptcy case is dismissed  
20 or converted to a Chapter 7, this order voiding the lien of Wells Fargo Bank, N.A. shall no longer  
21 apply and Wells Fargo Bank, N.A. or its successors and assigns second deed of trust shall be in  
22 full force and effect as security for the debt owing to Wells Fargo Bank, N.A.  
23  
24  
25  
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27

1 IT IS FURTHER ORDERED that Wells Fargo Bank, N.A. shall receive disbursements in  
2 the Chapter 13 bankruptcy case as a general unsecured creditor.

3 ~~DATED this 19th day of August, 2009.~~

4  
5   
6 United States Bankruptcy Judge  
7 (Dated as of Entered on Docket date above)

8 Presented by:

9 SEATTLE DEBT LAW, LLC

10 /s/ Christina Latta Henry  
11 Christina Latta Henry, WSBA 31273  
12 Attorney for Plaintiffs

13 Stipulated to Form:

14 Wells Fargo Bank

15 /s/ Bradley Jones  
16 Bradley Jones  
17 Attorney for Defendant